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Supplement 12, Page 1 to Attachment 2.6A

**Resource Policies Permitted Under  
Section 1902(r) (2) of the Social Security Act**

Disregard	How More Liberal	Groups Covered	Approved/Protected by
Savings of infants under age 21 of less than \$500	Additional resource is not considered in the determination of eligibility	All MN	Existing State policy since October 1, 1982 & 18 NYCRR 360-4.6(b) (5)
Trust funds of an infant under age 21 of less than \$1000	Additional resource is not considered in the determination of eligibility	All MN	Existing State policy since October 1, 1982
A car - no cap	No limit	All MN	18 NYCRR 360-4.7(a) (2) (iv)
Essential personal property - no cap	No limit	All MN	18 NYCRR 360-4.7(a) (2)
<del>Equity value of income producing property from \$6,000 to \$12,000</del>	<del>Equity value can exceed \$6,000 up to \$12,000</del>	<del>All MN</del>	<del>18 NYCRR 360-4.4(d)</del>
Resource eligibility achieved effective with the first day of the month (including retroactive period) in which resources are reduced to the allowable level.	Federal policy prohibits eligibility for entire month if applicant has excess resources on 12.01 am of the first day of the month. Federal policy also prohibits gaining resource eligibility for retroactive month(s) if excess resources existed in that month.	All MN	Existing State Policy since October 1, 1982

TN 91-50

Approval Date NOV 19 1991

Supersedes TN 91-10

Effective Date JUL 1 1991

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Resource Policies Permitted Under  
Section 1902(r)(2) of the Social Security Act

Disregard	How More Liberal	Groups Covered	Approved/ Protected by
Equity value of income-producing property up to \$12,000	Equity value of up to \$12,000 not considered in the determination of eligibility	ADC-related MN	18 NYCRR 360-4.4
Equity value of nonbusiness income-producing property from \$6,000 to \$12,000	Equity value can exceed \$6,000 up to \$12,000	SSI-related MN	18 NYCRR 360-4.4

TN 91-50

Approved Date NOV 19 1991

Supersedes TN **New**

Effective Date JUL 1 1991

SUPPLEMENT 12, PAGE 2 TO ATTACHMENT 2.6A

NEW YORK STATE

This provision supersedes the resource spend-down provision on Supplement 12, page 1 and all other resource spend-down prohibitions, which were voided by the United States District Court for the Western District of New York in its final order entered on February 6, 1990 and retroactive to January 1, 1982.

Case: Westmiller v. Sullivan

<u>DISREGARD</u>	<u>HOW MORE LIBERAL</u>	<u>GROUPS COVERED</u>	<u>AS APPROVED AND PROTECTED BY</u>
Resource Eligibility achieved effective with the first day of the month (including retroactive period) in which resources are reduced to the allowable level.	Federal policy prohibits eligibility for entire month if applicant has excess resources on 12:01 A.M. of the first day of the month. Federal policy also prohibits gaining resource eligibility for retroactive months(s) if excess resources existed in that month.	All MN	US District Court Order of 2/6/90 retroactive to 1/1/82

- incurred expenses subject to payment by third parties will not be deducted from resources to the same extent that such cannot be deducted in an income spend-down.
- the same incurred medical and remedial care expenses will not be used to meet both income and resources spend-down; and
- the Medicaid program will not pay for any of the incurred expenses used to meet the spend-down of resources provision.

TN 88-35 Approval Date SEP 17 1990  
 Supersedes TN NEW Effective Date Oct. 1, 1982

Resource Policies Permitted Under  
Section 1902(r)(2) of the Social Security Act

Disregard	How More Liberal	Groups Covered	As Approved & Protected By
Disregard of deemed parental resources	Deemed parental resources are disregarded	MN pregnant women and pregnant women described under 1902 (a) (10) (A) (i) (IV) and 1902 (1)	1902(r) (2)

TN 90-58 Approval Date JUL 27 1992

Supersedes TN **New** Effective Date OCT 1 1990

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Supplement 12, Page 3 to Attachment 2.6-A

## Resource Policies Permitted Under Section 1902 (r)(2) of the Social Security Act

Disregard	How More Liberal	Groups Covered	Approved/ Protected by
Resources-no cap for otherwise eligible MA-Only recipients who have participated in the NYS <u>Long Term Care Security Demonstration Project</u> (LTC-SDP).*	Resources are not considered in the determination of Medicaid eligibility for individuals who have exhausted available private insurance benefits provided by <u>LTC-SDP</u> and who are New York State residents at the time of Medicaid application.	All MN	

\* These are long term care policies (LTCP) meeting New York State's guidelines and are available from selected insurance carriers. Policies must guarantee certain LTCP requirements and will carry the Project logo to identify them as meeting the necessary requirements for participation in this public/private partnership. If purchasers exhaust the benefits under the private insurance policy, they will be enrolled in a special State Medicaid program. Under this program, the Medicaid applicant will not be subject to a resource test as usually required under 42 CFR 435.840 and 42 CFR 435.841, and as otherwise specified in New York State's Title XIX State Plan.

TN **91-49**

Approval Date **FEB 20 1992**

Supersedes TN

**New**

Effective Date **JUL 1 1991**

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: New York

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ELIGIBILITY UNDER SECTION 1931 OF THE ACT

The State covers low-income families and children under section 1931 of the Act.

The following groups were included in the AFDC State plan effective July 16, 1996:

☒ Pregnant women with no other eligible children.

☒ AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training.

☐ In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996 without modification.

☒ In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996, with the following modifications.

☐ The agency applies lower income standards which are no lower than the AFDC standards in effect on May 1, 1988, as follows:

☐ The agency applies higher income standards than those in effect as of July 16, 1996, increased by no more than the percentage

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TN 97-38 Approval Date MAR 11 1998  
Supersedes TN 38 Effective Date NOV 1 - 1997

**New**

Increases in the CPI-U since July 16, 1996, as follows:

\_\_\_\_\_ The agency applies higher resource standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1996, as follows:

X\_\_\_\_\_ The agency uses less restrictive income and/or resource methodologies than those in effect as of July 16, 1996, as follows:

\*Individual development accounts (IDA) are excluded from resources; interest earned on IDA accounts is excluded from income.

1. \$2,000 disregard for resources
2. Individual development accounts\*
3. 46% of earned income for eligible persons whose family income does not exceed 100% of the federal poverty level. This percentage is disregarded without time limit. The \$30 and 1/3 disregard will be applied if more advantageous. The percentage disregarded is based on the amount of earned income which must be excluded for a family of three without special needs and without unearned income, living in a heated apartment in the City of New York, to remain eligible until gross income equals the federal poverty level. This percentage will be adjusted on June first of each year to reflect the federal poverty level most recently published in the Federal Register.
4. \$4650 fair market value or \$1500 equity for an automobile

The income and/or resource methodologies that the less restrictive methodologies replace are as follows:

1. and 2. are new disregards
3. Enhances 30 and 1/3 remainder disregard
4. Enhances equity value of \$1500

\_\_\_\_\_ The agency terminates medical assistance (except for certain pregnant women and children) for individuals who fail to meet TANF work requirements.

\_\_\_\_\_ The agency continues to apply the following waivers of provisions of Part A of title IV in effect as of July 16, 1996, or submitted prior to August 22, 1996 and approved by the Secretary on or before July 1, 1997.

TN 99-17 Approval Date SEP 30 1999  
Supersedes TN 97-38 Effective Date APR - 1 1999

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